

**REPORT OF THE AUDIT OF THE
OWEN COUNTY
SHERIFF**

**For The Year Ended
December 31, 2006**



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EXECUTIVE SUMMARY

AUDIT EXAMINATION OF THE OWEN COUNTY SHERIFF

**For The Year Ended
December 31, 2006**

The Auditor of Public Accounts has completed the Owen County Sheriff's audit for the year ended December 31, 2006. Based upon the audit work performed, the financial statement presents fairly, in all material respects, the revenues, expenditures, and excess fees in conformity with the regulatory basis of accounting.

Financial Condition:

Excess fees increased by \$14,815 from the prior year, resulting in excess fees of \$36,322 as of December 31, 2006. Revenues increased by \$8,383 from the prior year and allowable expenditures decreased by \$6,432.

Report Comments:

- The Sheriff's Office Lacks Adequate Segregation Of Duties
- The Sheriff Should Expend Fee Account Monies For Allowable Purposes Only
- Receipts Should Be Batched Daily, Posted To A Daily Checkout Sheet, And Deposited Daily

Deposits:

The Sheriff's deposits were covered by FDIC insurance.

CONTENTS

PAGE

INDEPENDENT AUDITOR’S REPORT	1
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS	3
NOTES TO FINANCIAL STATEMENT	5
REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS	11
COMMENTS AND RECOMMENDATIONS	15



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable William O'Banion, Owen County Judge/Executive
The Honorable Zemer Hammond, Owen County Sheriff
Members of the Owen County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of revenues, expenditures, and excess fees - regulatory basis of the Sheriff of Owen County, Kentucky, for the year ended December 31, 2006. This financial statement is the responsibility of the Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement on a regulatory basis of accounting that demonstrates compliance with the laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the revenues, expenditures, and excess fees of the Sheriff for the year ended December 31, 2006, in conformity with the regulatory basis of accounting described in Note 1.

In accordance with Government Auditing Standards, we have also issued our report dated May 23, 2007 on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



The Honorable William O'Banion, Owen County Judge/Executive
The Honorable Zemer Hammond, Owen County Sheriff
Members of the Owen County Fiscal Court

Based on the results of our audit, we have presented the accompanying comments and recommendations, included herein, which discusses the following report comments:

- The Sheriff's Office Lacks Adequate Segregation Of Duties
- The Sheriff Should Expend Fee Account Monies For Allowable Purposes Only
- Receipts Should Be Batched Daily, Posted To A Daily Checkout Sheet, And Deposited Daily

This report is intended solely for the information and use of the Sheriff and Fiscal Court of Owen County, Kentucky, and the Commonwealth of Kentucky and is not intended to be and should not be used by anyone other than these interested parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen
Auditor of Public Accounts

May 23, 2007

OWEN COUNTY
ZEMER HAMMOND, SHERIFF
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2006

Revenues

Federal Grants		\$	1,885
State - Kentucky Law Enforcement Foundation Program Fund (KLEFPF)			13,875
State Fees For Services:			
Finance and Administration Cabinet			4,140
Circuit Court Clerk:			
Sheriff Security Service	\$	12,016	
Fines and Fees Collected		<u>4,675</u>	16,691
Fiscal Court			200
County Clerk - Delinquent Taxes			6,651
Commission On Taxes Collected			147,935
Fees Collected For Services:			
Auto Inspections		3,400	
Accident and Police Reports		266	
Serving Papers		11,930	
Prisoner Transport		1,875	
Carrying Concealed Deadly Weapon Permits		<u>4,785</u>	22,256
Other:			
Tax Penalty		25,204	
Miscellaneous		<u>728</u>	25,932
Interest Earned			4,748
Borrowed Money:			
State Advancement			<u>59,361</u>
Total Revenues			<u>303,674</u>

The accompanying notes are an integral part of this financial statement.

OWEN COUNTY
 ZEMER HAMMOND, SHERIFF
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2006
 (Continued)

Expenditures

Operating Expenditures:

Personnel Services-

Deputies' Salaries \$ 83,982

KLEFPF 13,875

Overtime 1,885

Contracted Services-

Advertising 308

Vehicle Maintenance and Repairs 4,382

Materials and Supplies-

Office Materials and Supplies 4,548

Uniforms 1,508

Auto Expense-

Gasoline 16,413

Other Charges-

Conventions and Travel 3,818

Dues 330

Postage 878

Insurance 1,205

Bank Fees 58

Carrying Concealed Deadly Weapon Permits 2,170

Miscellaneous 353 \$ 135,713

Debt Service:

State Advancement 59,361

Total Expenditures 195,074

Less: Sales Tax 199

Finance Charges 132

Miscellaneous 35 (366)

Total Allowable Expenditures 194,708

Net Revenues 108,966

Less: Statutory Maximum 69,342

Training Incentive Benefit 3,302 72,644

Excess Fees Due County for 2006 36,322

Payment to Fiscal Court - March 13, 2007 43,052

Balance Due Sheriff at Completion of Audit \$ (6,730)

The accompanying notes are an integral part of this financial statement.

OWEN COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 2006

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of revenues over expenditures to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the Sheriff as determined by the audit. KRS 134.310 requires the Sheriff to settle excess fees with the fiscal court at the time he files his final settlement with the fiscal court.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this regulatory basis of accounting revenues and expenditures are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive) at December 31 that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2006 services
- Reimbursements for 2006 activities
- Tax commissions due from December tax collections
- Payments due other governmental entities for payroll
- Payments due vendors for goods or services provided in 2006

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

OWEN COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2006
(Continued)

Note 2. Employee Retirement System

The county officials and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a cost-sharing, multiple-employer, defined benefit pension plan that covers all eligible full-time employees and provides for retirement, disability, and death benefits to plan members.

Benefit contributions and provisions are established by statute. Nonhazardous covered employees are required to contribute 5.0 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 10.98 percent for the first six months and 13.19 percent for the last six months of the year. Hazardous covered employees are required to contribute 8 percent of their salary to the plan. The county's contribution rate for hazardous employees was 25.01 percent for the first six months and 28.21 percent for the last six months of the year.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65. Aspects of benefits for hazardous employees include retirement after 20 years of service or age 55.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report which is a matter of public record. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, Kentucky 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of December 31, 2006, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

OWEN COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2006
(Continued)

Note 4. Drug Account

The Sheriff's office maintains a drug account that is used to account for drug seizures and subsequent expenditures. The balance at the beginning of the year was \$2,985. Receipts for 2006 totaled \$2,950 and expenditures totaled \$2,496. The balance as of December 31, 2006 was \$3,439. During 2005, the Sheriff transferred \$2,633 from the drug account to the fee account in order to cover payroll expenses. The drug account had not been reimbursed as of the audit date and should be reimbursed from excess fees already turned over to the county.

Note 5. Grant Account

The Sheriff's office receives a reimbursement grant from the federal government for overtime. The purpose of the grant is for marijuana eradication. The Sheriff's office received \$1,885 under this grant during 2006.

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable William O'Banion, Owen County Judge/Executive
The Honorable Zemer Hammond, Owen County Sheriff
Members of the Owen County Fiscal Court

Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards

We have audited the statement of revenues, expenditures, and excess fees - regulatory basis of the Owen County Sheriff for the year ended December 31, 2006, and have issued our report thereon dated May 23, 2007. The Sheriff's financial statement is prepared in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Owen County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Owen County Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Owen County Sheriff's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However as discussed below, we identified certain deficiencies in internal control over financial reporting that we consider to be significant deficiencies.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with the regulatory basis of accounting such that there is more than a remote likelihood that a misstatement of the entity's financial statement that is more than inconsequential will not be prevented or detected by the entity's internal control over financial reporting. We consider the deficiency described in the accompanying comments and recommendations to be a significant deficiency in internal control over financial reporting.

- The Sheriff's Office Lacks Adequate Segregation Of Duties



Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Internal Control Over Financial Reporting (Continued)

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statement will not be prevented or detected by the entity's internal control. Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, we consider the significant deficiency described above to be a material weakness.

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Owen County Sheriff's financial statement for the year ended December 31, 2006, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under Government Auditing Standards and which are described in the accompanying comments and recommendations.

- The Sheriff Should Expend Fee Account Monies For Allowable Purposes Only
- Receipts Should Be Batched Daily, Posted To A Daily Checkout Sheet, And Deposited Daily

This report is intended solely for the information and use of management, the Owen County Fiscal Court, and the Kentucky Governor's Office for Local Development and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,



Crit Luallen
Auditor of Public Accounts

May 23, 2007

COMMENTS AND RECOMMENDATIONS

OWEN COUNTY
ZEMER HAMMOND, SHERIFF
COMMENTS AND RECOMMENDATIONS

For The Year Ended December 31, 2006

STATE LAWS AND REGULATIONS:

The Sheriff Should Spend Fee Account Monies For Allowable Purposes Only

Test procedures conducted during the audit revealed \$366 in expenditures that are not considered allowable expenses of a Sheriff's office. In Funk v. Milliken, 317 S.W. 2d 499 (Ky. 1958), Kentucky's highest court ruled that county fee officials' expenditures of public funds will be allowed only if they are necessary, adequately documented, reasonable in amount, beneficial to the public, and not primarily personal in nature.

The Sheriff should have expended public funds only for allowable purposes. We recommend the Sheriff deposit personal funds in the amount of \$366 into the 2006 fee account in order to reimburse the fee account for these expenditures. We also recommend the Sheriff use the tax exemption number assigned to the office for all purchases.

Sheriff's Response: No response.

Receipts Should Be Batched Daily, Posted To A Daily Checkout Sheet, And Deposited Daily

Test procedures conducted during the audit indicate the Sheriff prepared 56 daily deposits during 2006. The Governor's Office for Local Development (GOLD) has established requirements for all local government officials handling public funds. These requirements include "daily deposits intact into a federally insured banking institution" (KRS 68.210). We recommend the Sheriff implement procedures to ensure receipts are batched daily, posted to a daily checkout sheet, and deposited within three business days in order to meet the requirements established by GOLD.

Sheriff's Response: No response.

INTERNAL CONTROL - REPORTABLE CONDITION AND MATERIAL WEAKNESS:

The Sheriff's Office Lacks Adequate Segregation Of Duties

During our review of internal control, we found that the Sheriff's office has a lack of adequate segregation of duties. The bookkeeper prepares the daily checkout sheets, posts to the ledgers, and prepares the monthly bank reconciliations. We recommend the following compensating controls be implemented to offset this internal control weakness:

The Sheriff or another employee should periodically, compare the daily bank deposit to the daily checkout sheet and then compare the daily checkout sheet to the receipts ledger. Any differences should be reconciled. The review should be documented by initialing and dating the bank deposit, daily checkout sheet, and receipts ledger.

The Sheriff or another employee should periodically, compare the bank reconciliation to the balance in the checkbook. Any differences should be reconciled. The review should be documented by initialing and dating the bank reconciliation and the balance in the checkbook.

OWEN COUNTY
ZEMER HAMMOND, SHERIFF
COMMENTS AND RECOMMENDATIONS
For The Year Ended December 31, 2006
(Continued)

INTERNAL CONTROL - REPORTABLE CONDITION AND MATERIAL WEAKNESS:
(CONTINUED)

The Sheriff's Office Lacks Adequate Segregation Of Duties (Continued)

The Sheriff or another employee should compare the quarterly financial report to the receipts and disbursements ledgers for accuracy. The review should be documented by initialing and dating the quarterly report.

The Sheriff or another employee should periodically compare invoices to payments. The review should be documented by initialing and dating the invoices.

Sheriff's Response: No response.

